

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

NATHANIEL DEWAYNE MARTIN §
VS. § CIVIL ACTION NO. 1:06cv59
DIRECTOR, TDCJ-CID §

MEMORANDUM OPINION REGARDING VENUE

Petitioner Nathaniel Dewayne Martin, an inmate confined in the Coffield Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Discussion

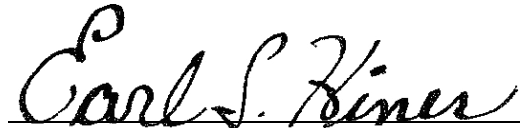
Petitioner states that on July 30, 2003, he was convicted of aggravated robbery in the 6th District Court of Lamar County, Texas. He was sentenced to 60 years imprisonment.

Pursuant to 28 U.S.C. § 2241(d), a petitioner may bring his petition for writ of habeas corpus in the district in which he was convicted or the district in which he is incarcerated.

Petitioner was convicted in Lamar County, Texas. Pursuant to 28 U.S.C. § 124, Lamar County is in the Eastern District of Texas. However, Lamar County is located in the Sherman Division, rather than the Beaumont Division of this court. Petitioner is confined at the Coffield Unit, which is in Anderson County. While Anderson County is located in the Eastern District of Texas, it is located in the Tyler Division, rather than the Beaumont Division.

As petitioner was not convicted in the Beaumont Division of this court and is not confined in such division, the court is of the opinion that this matter should be transferred to the Sherman Division of this court, where the records and witnesses relating to petitioner's criminal conviction are located. An appropriate transfer order shall be entered.

SIGNED this 7 day of February, 2006.



EARL S. HINES
UNITED STATES MAGISTRATE JUDGE